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OCT 10 2007

DOCKET NO-07-11

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET. AL. SUBSTITUTE TRUSTEE

Respondent

On Petition For Writ of Certiorari To The

COURT OF SPECIAL APPEALS MARYLAND PER SUPREME COURT EXPRESS WAIVER RESPONSE CASE NO. (01-1391) & NO. (07-11)

PETITION FOR WRIT OF CERTIORARI REHEARING

(Pro se) Petitioner William Smith
1001 Saddle Hill Rd. Deland Fl. 32720
PH# 386-734-0476

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QUESTION PRESENTED FOR REVIEW

The court order in err bar the people's bill of rights guarantees, to self government for the people by the people to preserved all questions of guaranteed constitutional rights Safeguard protection. Issues are grounds for writ of certiorari

(a) Constitution can not guaranteed any deed for or against any power or authority it has no legal remedy for courts to preserved due process.

(b) The petitioner, by obeying constitutional authority, QUESTION what crime did the petitioner commit against the peoples constitutional law of the land request equal protection guaranteed. Respondent did not deny this crime.

(c) Where in this order, is my legal jurisdictional justice, without this writ of certiorari.

(d) Court order denying writ of certiorari, to all case law confirmed legal issues to grant writ of certiorari is not supported by all elements of justice for this case, Why furthered differential treatment.

(e) The order protects the respondent admitted crime, waiver is not a confession. But clearly did not deny. The truth herein But still the court abandon constitutional justice of due process and equal protection of Safeguard law. Against the law, petitioner, for the respondents crime.!? (Injustice)

(f) Respondents lack express waiver authority to respond. But should not bar granting writ of certiorari, on issues of this appeal before this court.

(g) Court should expand its jurisdiction, to confirm the justice as promised, by the bill of rights

(h) Order rule for respondents crime. Against the fixed income, disability, retired petitioner rights.

LIST OF PARTIES

[ ] All parties do not appear in this caption pf the case on the cover page. A list of all parties to the proceedings in the court whose judgment is the subject of this petition is as follows.

Agent #1 case CAE-97-016794 (Extrinsic Fraud) lack of legal jurisdiction. Case#(01-1391) Respondent substitute trustees. Supreme Court bar Kenneth J. Mac Fadyen, P.A. Totman Building Suite 400, 210 E. Redwood Street, Baltimore Maryland 21202-
PH# (410)-685-1763

Respondent agent (as of 8/13/07) Case #(07-11) (Extrinsic Fraud) lack of legal jurisdictional authority respondent. Supreme Court bar Agent John R. Fischel of Miles & Stockbridge P.C. #10 Light Street, Baltimore Maryland 21202 PH# (410)-727-6464

STATEMENT OF THE CASE-

Respondents (Extrinsic Fraud) lack of legal jurisdictional authority, all courts from Day #1 to this end, is clearly unconstitutional. Is clearly unjust, circuit court harmful reversible err. This high court WRIT has authority to review the lower court and correction of its now known harmful reversible err. Lack equal protection. Respondent had no legal case, debt. Request writ of certiorari Technicality fiction, not to over rule legal substance CONSTITUTIONAL FRAUD JUSTICE KNOW NO FATHER OR MOTHER FOR PROTECTION

This high court (writ of certiorari) has the constitutional authority to make this correction on this one party appeal request. Not impossible for justice remedy. NOTE- This is only a one party appeal, because the respondent in this case has filed of its own free will an express waiver of admission (plea), defense, from which constitutional equal protection give the same advantage, and disadvantage with full legal knowledge of the case, with no impossible burden on any party. The case is a question of jurisdictional law as guaranteed only.

The writ honor constitutional due process and equal protection to all that appear on the request, which embodies all guarantee's of equal treatment which normally applied not only to the procedural express (waiver) an enforcement of laws (legal jurisdiction) and any deprived amendments # 1.-4.-5.-6.-7.-8.-14 harmful err. but also to the substantive contents of their provisions which must be just an equal to the constitutional principle of

strict scrutiny, in which this case can not, rise to this requirement level of equal protection strict scrutiny, for Equal justice. To be constitutional (Appendix #1 and #2)

THIS PRICE IS UNCONSTITUTIONALLY TOO HIGH. PUT THE PUBLIC LIBERTIES AT RISK

(a) The Supreme Court order err is defective in its lack of sound, reasonable rational respect for what the respondent (extrinsic fraud) free will crime committed, without respect for constitutional law. Court has no jurisdiction, it has no legal case.

(b) The court order err is without rational safety safeguards for the confirmed admitted undisputed, corroborated, judicial evidence to the fabricated evidence truth, before this court. And Can not be used to exonerate the respondent and its express waiver of admission defense (plea) and respondent on court err go free is unconstitutional/ (Appendix #1 and #2 and #5).

COURT CAN NOT BE THE ADVERSARY

(c) The court order is defective err without rational safeguards to the publics risk. The court that excepts the respondent consent to express waiver admission (plea), must finalize the (plea), and find the respondent guilty. Can not deny the charges, in evidence in the records. The court must finalize the free will admission as law, and find the respondent guilty as charged is constitutional principle of law. Due Process and equal protection

(d) Court order defective has no public equal protection Safety against this impunity, to let the respondents and its supporters go free, and continue aggression against the publics life, liberty,

property, home without any risk to the fraud, this price is to high. The respondent did not deny the evidence truth. Err should not force petitioner to abandon rights. (Appendix #1 and #2 and #5)

WITHOUT STRICT SCRUTINY TO THIS CASE THERE CAN BE NO EQUAL PROTECTION.

(e) The respondents express waiver is judicial supreme court evidence of admission. The record evidence, and the petitioners evidence is judicial evidence before all court. High quality undisputed evidence which is more specific and definite to the crime. Clear and convincing evidence of certain truth. This is a greater burden than preponderance of evidence required be law, writ should be granted (Appendix #2 and #5)

RESPONDENT DID NOT DENY EVIDENCE

(f) There is no conflicting evidence. No needed argument.!? The evidence before the court is corroborated. The petitioner placed legal affidavits of direct corroborated evidence to prove the fact of crime. The proof of respondent fabricated evidence to deceive the court is confirmed and corroborated by both parties, and documents on record which is incriminating evidence to established guilt. And the newly discovered evidence of DIRECT IMPACT to Connection of *appendix #11 GMAC MORTGAGE fraud foreclosure, breach of contract, on confirmed and corroborated indisputable default less payments of oct-06, Nov-06, (their illegal claim) was timely paid. No debt, no default, no case, but it drive up cost, control and harm credit, contaminate and intimidate process,

make sure no money for attorney .!? to defend this case due process and equal protection to this end.

NOTE Those payments money is held by our bank, and for due process and equal protection strict scrutiny conclusion to case number 200710025 CIDL, IN VOLUSIA COUNTY FL.

This Direct impact case is one and the same to *Appendix #9) bank of America waiver of admission 1,-15,-04 case #03-886 and waiver #2. And *(Appendix #8) This Respondent express waiver to this supreme court. Up to this present 8-13-07 Case #07-11. Point of law what is clearly obvious in evidence before court need not to be proven. Maxima- party under oath should be believed.!? (Appendix #3 and #4 and#5)

NOTE *(Appendix #9) For the record this is the original loan fraud, that is connected to bank of America original (intrinsic fraud) (Express Waiver of admission Supreme Court case #03-886 That is costing the petitioner $1,605.57 each month, FOR the original fraud loan of $125,000 at 15.25000% fraud interest. POINT- Poor has no money can not defend rights.!? Every one know, this Rate is too high. But HARMFUL. Proof is in the records.!? (Appendix #3 and #4 and #5)

ALL PARTIES MADE MONEY OFF OF THE BANK OF AMERICA (INTRINSIC FRAUD). (Appendix #3 and #4 and #5)

NOTE- Before the fraud, the original cost, to the loan was $750.00 each payment, then Bank America, and respondent placed their fraud on record and personal impact contamination to drive payment up to $1,605.57 a month was added to

control money to date. Knowing this parties income. NOTE- Petitioner now on fixed income.!?

For the record this original loan the payment was interest only at $19,2720 a year. I filed my first Supreme Court appeal, bank one change the loan payment to principle and interest. The interest to date is about $18,492 a year. The Interest from 08-02-97 to date average from $192,720.00 To $184,920.00, this is free fraud connected money.

NOTE- Loan was needed, to defend this constitutional guaranteed rights of due process and equal protection. And get my properties out of bank America's (Intrinsic Fraud), and respondent's (Extrinsic Fraud) greedy reach, or lose it, all to this end. (No one can defend without money.!) (Appendix #3 and #4 and #5).

NOTE- No one forced bank of America, and its agent the respondent to commit this crime with full knowledge it is a crime against the peoples, and protected by its constitutional guarantees safety. The petitioner clearly request petition for writ of certiorari, as per constitutional due process and equal protection strict scrutiny, resolution to this crime the petitioner pray for justice to be done. As The respondent only sit, and watch the innocent defend a crime that never should have been committed under constitutional equal protection.!?

RESPECTFULLY SUBMITTED

(Pro se) petitioner William Smith, 1001 Saddle Hill Rd. Deland Fl. 32720. PH# 386-734-0476

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543-0001

William K.. Suter Clerk of the Court (202)-579-3011
October 1, 2007

MR. William Smith
1001 Saddle Hill Rd
Deland Fl. 32720

RE: William Smith V. Alvin Friedman, ET. AL.
No. 07-11

Dear Mr. Smith: The court today entered the following order in the above entitled case:

The petition for writ of certiorari is denied.

Sincerely, [s] William K. Suter , Clerk

(Appendix #1 Appear in 10-1-07 events to date.)

WAIVER---SUPREME COURT OF THE UNITED STATES—Supreme Court case number. (07-11----- William Smith (petitioner) V. Alvin Friedman, ET. AL (Respondent).—I do not intend to file a response to the petition for a writ of certiorari unless one is requested by the court.—Please check one of the following boxes:-- [xx] Please enter my appearance as counsel of record for all respondents.—[ ] There are multiple respondents, and I do not represent all respondents.—Please enter my appearance as counsel of record for the following respondents with (s)---- Certify that I am a member of the bar, of the supreme court, of the united states(please explain name change since bar admission): Signature [s]—Date 8-13-07—(Type or print) Name **John R. Fischel** [xx] Mr.[ ] Ms. [ ] Mrs. [ ] Miss – Firm **Miles & Stockbridge P.C.--** Address **10 Light Street.**—City **& State Baltimore, MD.** Zip **21202**—Phone **(410)- 727-6464** – SEND A COPY OF THIS FORM TO PETITIONER'S COUNSEL ARE TO PETITIONER IF PRO SE. PLEASE INDICIATE BELOW THE NAME [S] OF THE RECIPIENT [S] OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.—Cc: **William Smith.**—Obtain status of case on the docket. By Phone at 202-479-3034 or via the internet at http.// www.SupremeCourts.gov. Have the Supreme Court docket number available.

(Appendix #2 appeared 8-13-07 events to date.)

Bank One, N.A. P.O. Box 26966
Greensboro, NC. 274-19-6966

Letter Head Facsmile/ [s] / Exact Copy
(Stamp Plaintiff Original Copy)
BANK ONE.
William Smith, Evelyn T. Smith 1001 Saddle Hill Rd.
Deland FL. 32720

LOAN INFORMATION

Loan Number 7645145629
Date of original loan: 08-02-97
Type of Loan: Conventional.
Term: 360 -- interest rate:-- 15.2500
Original Amount of loan : $ 125,000
Current Loan Balance: $ 122,751.74
Current Escrow Balance: $ .00
Total monthly payment: $ 1,605.57
Total Monthly Escrow Deposit: $ .00
Next payment due date: 04-01-04
Insurance premium: $ 1.00 Date Due: 10-01

CS001/WF387

(Exhibit # 32-b)

(Appendix #3 appear from this date this court only)

STATE WIDE Bancorp, INC.

Letter Head Facsimile/ [s] Exact Copy

Date 11-17-06 Dear MR. AND MRS, Smith,-- Thank you for choosing STATEWIDE BANK BANCORP, INC. for your Mortgage Needs. Enclosed is the loan application we have discussed.

A new loan of $200,000 with payment selection and a minimum payment of $739.24.- We'll be paying off GMAC, world omni and first community bank laving you with $59,833.31 Cash Left over-- $ 1,343.00 in monthly savings.

In order to expedite your loan application, pleas make copies of all of the items listen below and facts copies to me @ **909-494-4332 as soon as possible.**

/Sign loan application, all pages. / A copy of your Mortgage statement [s] to be paid/ A copy of your home owners insurances policy declaration page./ Copies of your assets (41k,mutual funds, savings account, money market etc...)./ Copy of land survey./ A pest termite inspection, of the property must be preformed by request of the lender. Please schedule that as soon as possible./ As per the United State patriot act, photo copy of drives license and social Security cards for borrowers.

Please forward of all of the listen items to me as soon as possible so that I can obtain a quick approval on your loan. If you should have any question feel free to contact me.

Sincerely, Brian W. Ciszek Sr. Loan Consultant STATE WIDE BANCORP, INC. 800.737.0104- Ex 1048- and Jon Berry- Loan Associate STATE-WIDE BANCORP, INC. 800.737.0104 Ex 1127 (Appendix #4 Appear in FL. And this court)

==========IV==========

CASE LAW- " Equal protection does not require that all persons be dealt with Identically, but it does require that a distinction made have some relevance to the purpose for which the classification is made." Baxstrom V. Herold, 383 U.S. 107,111, 86 S.Ct. 760, 763 (1966).

CASE LAW- The words due process of law was undoubtedly intended to convey the same meaning as the word by the law of the land, in Magna Charta Murray's Lessee V. Hoboken land & Improvement CO. 59 U.S. (18 how.) 272.276 (1856) (Curtis, J.).

CASE LAW- " As in all equal protection cases, the crucial question is weather there is an appropriate governmental interest suitably furthered by the differential treatment" Police Dep't. V. Mosley 408 U.S. 92, 95, 92 S.Ct. 2286, 2290 (1972)

CASE LAW- " The equal protection principle is exclusively associated with written constitutions and embodies guarantees for equal treatment. Normally applied not only to the procedural enforcement of laws but also to the substantive to their provisions. In other words, the equal

Protection of laws is invariably treated as a substantive constitutional principle which demands to the law will only be legitimate if they can be described as just an equal.!! Polyvios G. Polviou, The Equal Protection of the Laws 4(1980).

(Appendix #5 to this end).

AFFIDAVIT

I William Smith (pro se) petitioner, Certify under the penalty of perjury that the foregoing petition for rehearing request for writ of certiorari and the evidence herein is true and correct

EXCUTED DATE----------

RESPECTFULLY SUBMITTED

CERTIFICATE OF COUNSEL

I William Smith (Pro se) petitioner certify in good faith and not for delay, #3 copies of this rehearing petition for writ of certiorari was sent- 10/ /07 to respondents attorney of record – John R. Fischel Miles and Stockbridge P.C. # 10 Light Street Baltimore Maryland 21-202. PH# (410)-727-6464

In Good faith RESPECTFULLY SUBMITTED

(Pro se) petitioner